

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Miriam Lynch	Team: Squad #9	CCRB Case #: 201510229	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/25/2015 1:15 PM	Location of Incident: 86th Street and 25th Avenue	Precinct: 62	18 Mo. SOL 5/25/2017	EO SOL 5/25/2017	
Date/Time CV Reported	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/02/2015 1:36 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Alicja Bobrowska	00818	936219	062 PCT
2. SGT Daniel Watson	03583	942690	062 PCT
3. An officer			
4. POM Thomas Chan	05370	941535	062 PCT
5. POM Carlo Chu	10752	941560	062 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Daniel Watson	Abuse: Sergeant Daniel Watson stopped § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.	
B.DTS Alicja Bobrowska	Abuse: Detective Alicja Bobrowska stopped § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.	
C.SGT Daniel Watson	Force: Sergeant Daniel Watson used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.	
D.DTS Alicja Bobrowska	Force: Detective Alicja Bobrowska used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.	
E.POM Carlo Chu	Force: Police Officer Carlo Chu used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.	
F.POM Thomas Chan	Force: Police Officer Thomas Chan used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.	
G.DTS Alicja Bobrowska	Force: Detective Alicja Bobrowska used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.	
H. An officer	Force: An officer used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.	
I.SGT Daniel Watson	Discourtesy: Sergeant Daniel Watson spoke discourteously to § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.	
J. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.	

Officer(s)	Allegation	Investigator Recommendation
K.DTS Alicja Bobrowska	Discourtesy: Detective Alicja Bobrowska spoke discourteously to § 87(2)(b) at the 62nd Precinct stationhouse.	
L. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force at the 62nd Precinct stationhouse.	

Case Summary

On November 25, 2015, at approximately 1:00 p.m. § 87(2)(b) and § 87(2)(b) were stopped, respectively, by Sergeant Daniel Watson and Detective Alicja Bobrowska, both of the 62nd Precinct, for attempting to burglarize the house of § 87(2)(b) (**Allegations A and B**). After § 87(2)(b) was stopped by Sgt. Watson, § 87(2)(b) was driven to the scene to do a show-up by Police Officer Thomas Chan and Police Officer Carlo Chu, both of the 62nd Precinct, and she positively identified § 87(2)(b) as the perpetrator of the attempted burglary. Sgt. Watson attempted to place § 87(2)(b) in handcuffs; § 87(2)(b) however, was not handcuffed right away. Instead, § 87(2)(b) engaged in a struggle with Sgt. Watson, Det. Bobrowska, PO Chan, and PO Chu. During this struggle, he was taken to the ground, punched in the back of the head four times, and allegedly struck in the back an unspecified number of times (**Allegations C, D, E, F, G, and H**). After § 87(2)(b) was handcuffed, Sgt. Watson allegedly told him, “shut the fuck up,” and allegedly punched him in the side of the head (**Allegation I and J**). An officer also allegedly told § 87(2)(b) “Shut the fuck up,” as well (**Allegation K**).

When § 87(2)(b) arrived at the 62nd Precinct stationhouse and was lodged in the holding cells, Det. Bobrowska allegedly said to § 87(2)(b) “Fuck you” (**Allegation L**). At another, unspecified point, when § 87(2)(b) was lodged in the holding cell, § 87(2)(b) falsely stated that he had tuberculosis and was HIV-positive, then threatened to throw a plastic bottle of urine at an unidentified officer, who allegedly pointed a Taser at him (**Allegation M**).

There was no video footage available for this case.

This case was closed in a period of longer than 90 days, due to the difficulty in reaching § 87(2)(b)

§ 87(2)(b)
(Board Review 1).

§ 87(2)(b) was found to have discarded a crack pipe in a police vehicle during this incident, and was charged with, and pleaded guilty to, criminal possession of a controlled substance. § 87(2)(b) was charged with, and pleaded guilty to, resisting arrest as a result of this incident (Board Review 2).

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation due to the multiple arrests in the case (Board Review 2).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
- On March 30, 2016, a Notice of Claim request was submitted for § 87(2)(b) and § 87(2)(b). The results will be added to the case file upon receipt (Board Review 24).

Civilian and Officer CCRB Histories

- § 87(2)(b)
[redacted]
[redacted]
- This is the first CCRB complaint involving § 87(2)(b) (Board Review 6).
- Sgt. Watson has been a member of service for nine years. He has had three prior CCRB complaints filed against him, totaling 10 prior allegations. None of these allegations has been closed as substantiated (Board Review 7).
- Det. Bobrowska has been a member of service for 11 years. This is the first CCRB complaint filed against her (Board Review 8).
- PO Chan has been a member of service for nine years. Two prior CCRB complaints have been filed against him, for a sum of three prior allegations (Board Review 9). § 87(2)(g)
[redacted]
- PO Chu has been a member of service of nine years. He has had two previous CCRB complaints filed against him, and has an additional CCRB complaint, case 201601051, currently under investigation. A total of four allegations have been filed against him, none of which have been substantiated (Board Review 10). § 87(2)(g)
[redacted]

Potential Issues

- Video footage was not available for this incident.
- § 87(2)(b)'s attorney § 87(2)(b), was contacted in regards to having § 87(2)(b) interviewed by the CCRB, due to § 87(2)(b)'s pending criminal charges. § 87(2)(b) stated that she needed more time to decide whether to allow to § 87(2)(b) to participate in the investigation, but ultimately became unresponsive to multiple CCRB contact attempts. Therefore, § 87(2)(b)'s testimony could not be obtained by the CCRB.
- The burglary victim, § 87(2)(b) was contacted and reached by phone. § 87(2)(g)
[redacted]
her view of the arrest was obstructed by the police vehicle, and by her husband. Her husband § 87(2)(b), was reached by phone, but he claimed that he was not a witness to the incident.

Findings and Recommendations

Subject Officer Identification

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Allegation A –Abuse of Authority: Sergeant Daniel Watson stopped § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.

Allegation B –Abuse of Authority: Detective Alicja Bobrowska stopped § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.

§ 87(2)(b) alleged that he and § 87(2)(b) were stopped at the intersection of 25th Avenue and 86th Street in Brooklyn. He stated that before the stop, he had visited a masjid so that § 87(2)(b) could pray, and he and § 87(2)(b) had also stopped to smoke cigarettes in front of a house nearby, on a street between Bay 30th Street and Bay 40th Street that § 87(2)(b) could not remember. He denied engaging in any criminal activity on the day of the incident. § 87(2)(b) was pushing a shopping cart full of clothing and computers that she had found in the trash some days before. § 87(2)(b) was wearing a black leather jacket and § 87(2)(b) was wearing a dark purple bubble jacket. Immediately before § 87(2)(b) was stopped, § 87(2)(b) went into a supermarket at the intersection of 86th Street and 25th Avenue to purchase produce. While § 87(2)(b) was stopped, a marked car pulled next to them, and Sgt. Watson said, “Possible,” into his radio. Sgt. § 87(2)(b) then moved for his handcuffs, ostensibly to arrest § 87(2)(b) (Board Review 1).

Sgt. Watson stated that he received a radio transmission that a house § 87(2)(b) was the subject of a burglary in progress, and that there was one male and one female perpetrator, both wearing dark clothing. As he was canvassing near the burglary location in an unmarked vehicle with Det. Bobrowska, he saw § 87(2)(b) and § 87(2)(b). § 87(2)(b) walked into a grocery store when she saw the police vehicle. Sgt. Watson then stopped the vehicle, and approached § 87(2)(b) while Det. Bobrowska went into the supermarket to stop § 87(2)(b). Sgt. Watson stopped § 87(2)(b) and explained that he fit the description of a burglary perpetrator. He then called Sector C, consisting of PO Chu and PO Chan, who were with the burglary victim, to do a show-up. The show up was positive, at which point Sgt. Watson moved to arrest § 87(2)(b) (Board Review 11).

Det. Bobrowska stated that she received the same transmission about a male individual and female individual wearing dark clothing, committing a burglary. She testified that she saw § 87(2)(b) and § 87(2)(b) at the intersection of 86th Street and 25th Avenue, wearing dark clothing. She recognized § 87(2)(b) from having arrested her for burglary the month before, in October of 2015. Det. Bobrowska made eye contact with § 87(2)(b) and § 87(2)(b) immediately ran into a nearby supermarket. Det. Bobrowska went into the supermarket, and

called § 87(2)(b) by her first name. § 87(2)(b) responded, and immediately left the supermarket with Det. Bobrowska. When Det. Bobrowska left the supermarket with § 87(2)(b) she saw § 87(2)(b) being stopped by Sgt. Watson (Board Review 12).

On November 25, 2015, at approximately 1:00 p.m. § 87(2)(b) called 911 and stated that she saw a male individual and female individual breaking into § 87(2)(b), § 87(2)(f) § 87(2)(b), § 87(2)(f). She § 87(2)(b), § 87(2)(f) described them as black or Hispanic, and wearing dark coats (Board Review 13). Sector C put over the radio that they were a Hispanic male and female wearing black clothing (Board Review 14).

Det. Bobrowska completed Stop-and-Frisk Reports for the stop of § 87(2)(b) and § 87(2)(b). She marked on both forms that § 87(2)(b) and § 87(2)(b) matched the descriptions of robbery suspects (Board Review 15 and 16).

People v. DeBour, 40 N.Y.2d 201 (1976) allows officers to stop individuals for whom they have reasonable suspicion are engaged in, have engaged in, or were about to engage in criminality (Board Review 17).

It is undisputed that § 87(2)(b) and § 87(2)(b) were in front of a house on the Bay 30th Streets within ten minutes of when they were stopped. § 87(2)(g)

§ 87(2)(g)

Allegation C –Force: Sergeant Daniel Watson used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.

Allegation D –Force: Detective Alicja Bobrowska used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.

Allegation E-Force: PO Thomas Chan used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.

Allegation F –Force: PO Carlo Chu used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.

§ 87(2)(b) stated that officers took him to the ground shortly after Sgt. Watson took out his handcuffs. § 87(2)(b) testified that when Sgt. Watson moved to arrest him, he tried to give Sgt. Watson his hands, so that they could handcuff him more easily. He denied resisting arrest or swinging at any officer. § 87(2)(b) could not see who was attempting to handcuff him (Board Review 1).

Sgt. Watson stated that when the positive show-up was conducted, he reached to grab his handcuffs. He stated that at that point, § 87(2)(b) pushed off of him, and ran approximately ten feet away. Sgt. Watson then tried grabbing at § 87(2)(b)'s arms to pull them behind his back and handcuff him. When he was unable to grab and handcuff § 87(2)(b) due to § 87(2)(b)'s pushing off of Sgt. Watson with his arms. Sgt. Watson punched § 87(2)(b) two to three times in

the back of the head, so that he could get him to the ground and handcuff him. Sgt. Watson, Det. Bobrowska, PO Chu, and PO Chan then took § 87(2)(b) to the ground and handcuffed him. (Board Review 11).

Det. Bobrowska stated that she heard Sgt. Watson tell § 87(2)(b) to place his hands behind his back. Immediately, § 87(2)(b) ran approximately 10 to 15 feet, away from officers. She and Sgt. Watson grabbed each of § 87(2)(b)'s arms, and all three of them—Sgt. Watson, Det. Bobrowska, and § 87(2)(b)—fell to the ground (Board Review 12).

PO Chan stated that he saw § 87(2)(b) attempt to run away from Sgt. Watson after the positive show-up was conducted. PO Chan stated that he, Sgt. Watson, Det. Bobrowska, and PO Chu grabbed at § 87(2)(b)'s arms and pushed him to the ground within several seconds of his beginning to run (Board Review 18).

PO Chu stated that he saw § 87(2)(b) begin to run away from the officers when Det. Bobrowska left the supermarket with § 87(2)(b). § 87(2)(b) ran for two to three feet before PO Chu and Sgt. Watson grabbed at him. He did not remember whether Det. Bobrowska joined in the struggle. § 87(2)(b) was resisting arrest by wiggling his left arm out of PO Chu's grasp, and wiggling his shoulders. He did not remember how § 87(2)(b) got to the ground, but he remembered himself and other officers pulling at him to get him to the ground (Board Review 19).

Patrol Guide Procedure 203-11 requires officers to use minimum necessary force at the scene of a police incident. It also stipulates that officers rear-cuff arrestees as soon as possible to reduce the risk of resistance (Board Review 20).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation G –Force: Detective Alicja Bobrowska used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.

§ 87(2)(b) stated that officers punched him in the back of the head four to five times while they were handcuffing him (Board Review 1). He could not see which officers were punching him, because he was not facing them at the time that he was punched.

Sgt. Watson stated that he punched § 87(2)(b) before § 87(2)(b) was taken to the ground. He punched § 87(2)(b) because could not hold § 87(2)(b) for long enough to take him to the ground and handcuff him. He punched § 87(2)(b) two to three times in the head when § 87(2)(b) was standing up, because no officer—neither him, Det. Bobrowska, PO Chan, nor PO Chu—was able to keep a stable grip on § 87(2)(b). He did not see any other officer punch § 87(2)(b) in the back of the head. Sgt. Watson described § 87(2)(b)'s resistance exclusively as pushing off the ground, pulling his arms away from the officers, and the shoving off of officers (Board Review 11).

Det Bobrowska admitted to punching § 87(2)(b) once, either in the back in the head or the back of the neck, once § 87(2)(b) was on the ground. Det. Bobrowska stated that § 87(2)(b) continued to resist arrest once he was on the ground, and she punched him to gain compliance. After § 87(2)(b) came to the ground, he continued to resist by pulling his arms underneath him and pushing his body off of the ground, despite Det. Bobrowska's command to stop resisting. Det. Bobrowska then stated that she punched § 87(2)(b) once in the back of the head or the neck in order to distract him from resisting arrest. She did not see any other officer punch § 87(2)(b) in the back of the head (Board Review 12).

PO Chan did not have any memory of § 87(2)(b) being punched. Once § 87(2)(b) was on the ground, PO Chan went to hold § 87(2)(b)'s arm, so that she would not run away. PO Chan did state that once § 87(2)(b) was on the ground, § 87(2)(b) continued to resist by shoving the officers and pulling his hands underneath his body. PO Chan did not see any officer punch § 87(2)(b) in the back of the head (Board Review 18).

PO Chu, similarly, did not remember any officer punching § 87(2)(b) in the back of the head. PO Chu said that once § 87(2)(b) was on the ground, he pulled his arms towards his sides and front to avoid being handcuffed. He also pulled his body away from the officers once he was on the ground. PO Chu held § 87(2)(b)'s lower back and pulled at his arm to try to gain his compliance (Board Review 19). PO Chu denied punching § 87(2)(b).

Per Patrol Guide Procedure 203-11, officers must use the minimum necessary force during police incidents (Board Review 20).

It is undisputed that Det. Bobrowska and Sgt. Watson punched § 87(2)(b) in the back of the head, while trying to apprehend and handcuff him. Sgt. Watson, Det. Bobrowska, PO Chan, and PO Chu all describe § 87(2)(b)'s resistance in a consistent way: § 87(2)(b) pulled his arms away from the officers, and pushed off of them with his body. No officer described § 87(2)(b) swinging at, punching, kicking, or otherwise attempting bodily harm on any officer. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation H –Force: An officer used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.

§ 87(2)(b) stated that when he was on the ground, an officer struck him in the back an unspecified number of times. § 87(2)(b) could not attribute this action to any specific officer, because he was not facing the officers when they held him (Board Review 1).

No officer admitted to striking § 87(2)(b) in the back during the struggle in handcuffing him (Board Review 11, 12, 18, and 19).

§ 87(2)(g)

Allegation I –Force: Sergeant Daniel Watson used physical force against § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.

Allegation J -Discourtesy: Sergeant Daniel Watson spoke discourteously to § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.

§ 87(2)(b) alleged that after he was handcuffed, standing, and waiting to be taken to the precinct stationhouse, he falsely told the officers present that he was a Muslim. He said this in the hopes that officers would treat him more sympathetically. He admitted to calling Sgt. Watson a “punk.” § 87(2)(b) stated that in response, Sgt. Watson punched him in the side of the head and told him to, “Shut the fuck up” (Board Review 1).

Sgt. Watson denied punching § 87(2)(b) in the side of the head when § 87(2)(b) was handcuffed, and saying “Shut the fuck up” (Board Review 11). The rest of the officers also denied that this occurred (Board Review 12, 18, and 19).

§ 87(2)(g)

Allegation K –Discourtesy: An officer spoke discourteously to § 87(2)(b) at 25th Avenue and 86th Street in Brooklyn.

§ 87(2)(b) alleged that while he was waiting to be taken to the stationhouse, an Asian male officer told him to, “Shut the fuck up.” He stated that the subject officer was between 23 and 25 years old, and 5’11” tall.

There were two Asian male officers on scene during the incident: PO Chan and PO Chu. They are, respectively, 5’7” tall and § 87(2)(b) old, and § 87(2)(b) old and 5’5” tall. Both officers denied telling § 87(2)(b) to, “Shut the fuck up” (Board Review 18 and 19). No other officer present at the time admitted to making this statement (Board Review 11 and 12).

§ 87(2)(g)

Allegation L –Discourtesy: Detective Alicja Bobrowska spoke discourteously to § 87(2)(b) at the 62nd Precinct stationhouse.

§ 87(2)(b) stated that when he was taken to the stationhouse for arrest processing, he cursed at Det. Bobrowska and called her a “dyke.” He alleged that in response, Det. Bobrowska showed him her hands, which were bandaged, and said, “Fuck you” (Board Review 1)

Det. Bobrowska denied saying, “Fuck you” in the stationhouse. She denied speaking to him while he was in the stationhouse, because he allegedly told her, “I’m going to fuck you straight,” and said to another officer that he would throw urine at her (Board Review 12). All of the other officers interviewed for this case denied hearing any officer saying, “Fuck you,” to § 87(2)(b) in the stationhouse (Board Review 11, 18, 19, 21, and 22).

§ 87(2)(g)

Allegation M –Abuse of Authority: An officer threatened to use force against § 87(2)(b) at the 62nd Precinct stationhouse.

§ 87(2)(b) testified that at an unspecified point when he was in police custody, at the 62nd Precinct stationhouse, he requested food. When officers brought him Indian food in a cup, claiming that it was halal, he demanded food served in a proper container. To show his displeasure and apply pressure to the officers, he urinated in two plastic water bottles. He then raised the bottles and threatened to throw them at officers if they did not give him proper food. He also told them that he was infected with HIV and tuberculosis, even though he was not. A male officer wearing a white shirt then pointed a Taser at him and told him, “Put down the bottles of piss.” § 87(2)(b) then lowered the bottles of urine. § 87(2)(b) testified that he first saw this officer when he was initially being taken into the stationhouse (Board Review 1).

The two lieutenants assigned to the 62nd Precinct stationhouse listed in the 62nd Precinct roll call for the tour of the incident, Lt. Kielb and Lt. Gillen, were interviewed (Board Review 21 and 22). Neither lieutenant had any knowledge of the incident. No other officer interviewed had any knowledge of a Taser being pointed at § 87(2)(b) (Board Review 11, 12, 18, and 19).

Per Patrol Guide Procedure 212-117, officers who carry Tasers are to use them only in situations that warrant the use of force, including towards individuals who exhibit active physical aggression. It is a tool that can be used at close range, and further away as well (Board Review 22).

§ 87(2)(g)

§ 87(2)(g)

Squad #9

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date